

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 2. Agricultural Burning Guidelines

Article 1. General Provisions

§ 80101. Definitions.

(a) "Agricultural burning" is defined in Health and Safety Code section 39011 as follows:

(1) "Agricultural burning" means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention.

(2) "Agricultural burning" also means open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified in paragraph (1).

(3) "Agricultural burning" also means open outdoor fires used in wildland vegetation management burning. Wildland vegetation management burning is the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush. Prescribed burning is the planned application of fire to vegetation to achieve any specific objective on lands selected in advance of that application. The planned application of fire may also include natural or accidental ignition.

(b) "Air Pollution Control District" (APCD), "Air Quality Management District" (AQMD), "air district," or "district" means an air pollution control district or an air quality management district created or continued in existence pursuant to provisions of Health and Safety Code section 40000 et seq.

(c) "Air quality" means the characteristics of the ambient air as indicated by state ambient air quality standards which have been adopted by the state board pursuant to section 39606 of the Health and Safety Code and by National Ambient Air Quality Standards which have been established pursuant to sections 108 and 109 of the federal Clean Air Act pertaining to criteria pollutants and section 169A of the federal Clean Air Act pertaining to visibility.

(d) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(e) "ARB" or "state board" means the Air Resources Board.

(f) "Basinwide air quality factor" means an air quality factor which equals the 4:00 am to 6:00 am two hour average soiling index (COH*10) ending at 6:00 am PST. The basinwide council may use other particulate matter measurements as an indicator of air quality if appropriate for its program.

(g) "Burn plan" means an operational plan for managing a specific fire to achieve resource benefits and specific management objectives. The plan includes, at a minimum, the project objectives, contingency responses for when the fire is out of prescription with the smoke management plan, the fire prescription (including smoke management components), and a description of the personnel, organization, and equipment.

(h) "Burn project" means an active or planned prescribed burn or a naturally ignited wildland fire managed for resource benefits.

(i) "Class I Area" means a mandatory visibility protection area designated pursuant to section 169A of the federal Clean Air Act.

(j) "Designated agency" means any agency designated by the Air Resources Board as having authority to issue agricultural burning, including prescribed burning, permits. An air district may request such a designation for an agency. The U.S. Department of Agricultural (USDA) Forest Service and the California Department of Forestry and Fire Protection (CDF) are so designated within their respective areas of jurisdiction.

(k) "Fire protection agency" means any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within a district or region.

(l) "Forty-eight hour forecast" means a prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 48 hours from the day of the prediction. The prediction shall indicate a degree of confidence.

(m) "Land manager" means any federal, state, local, or private entity that administers, directs, oversees, or controls the use of public or private land, including the application of fire to the land.

(n) "Marginal burn day" means a day when limited amounts of agricultural burning, including prescribed burning, for individual projects in specific areas for limited times is not prohibited by the state board and burning is authorized by the district consistent with these Guidelines.

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(o) “National Ambient Air Quality Standards (NAAQS)” mean standards promulgated by the United States Environmental Protection Agency that specify the maximum acceptable concentrations of pollutants in the ambient air to protect public health with an adequate margin of safety, and to protect public welfare from any known or anticipated adverse effects of such pollutants (e.g., visibility impairment, soiling, harm to wildlife or vegetation, materials damage, etc.) in the ambient air.

(p) “Ninety-six hour trend” means a prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 96 hours from the day of the prediction.

(q) “No-burn day” means any day on which agricultural burning, including prescribed burning, is prohibited by the state board or the air district in which the burning will occur.

(r) “Open burning in agricultural operations in the growing of crops or raising of fowl or animals” means:

(1) The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution.

(2) In connection with operations qualifying under paragraph (1):

(A) The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation.

(B) The burning of materials not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by district regulations. Examples are trays for drying raisins, date palm protection paper, and fertilizer and pesticide sacks or containers, where the sacks or containers are emptied in the field.

(s) “Particulate matter (PM)” means any airborne finely divided material, except uncombined water, which exists as a solid or liquid at standard conditions (e.g., dust, smoke, mist, fumes or smog).

“PM2.5” means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.

“PM10” means particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (including PM2.5).

(t) “Permissive-burn day,” or “burn day” means any day on which agricultural burning, including prescribed burning, is not prohibited by the state board and burning is authorized by the district consistent with these Guidelines.

(u) “Pre-fire fuel treatment” means techniques which can reasonably be employed prior to prescribed burning in order to reduce the emissions that would otherwise be produced in a prescribed fire.

(v) “Prescribed burning” - see (a) (3). Tule burning in wildlands or wildland/urban interface is considered to be prescribed burning.

(w) “Prescribed fire” means any fire ignited by management actions to meet specific objectives, and includes naturally-ignited wildland fires managed for resource benefits.

(x) “Range improvement burning” means the use of open fires to remove vegetation for a wildlife, game, or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

(y) “Region” means two or more air districts within an air basin or adjoining air basins that sign a memorandum of understanding to implement a coordinated regional smoke management program pursuant to the requirements of Article 2 of this regulation.

(z) “Residential burning” means an open outdoor fire for the disposal of the combustible or flammable solid waste of a single-or two-family dwelling on its premises. Residential burning is not considered to be prescribed burning.

(aa) “Seventy-two hour outlook” means a prediction of the meteorological and air quality conditions that are expected to exist for a specific prescribed burn in a specific area 72 hours from the day of the prediction.

(bb) “Smoke Management Plan” means a document prepared for each fire by land managers or fire managers that provides the information and procedures required in section 80160.

(cc) “Smoke management prescription” means measurable criteria that define conditions under which a prescribed fire may be ignited, guide selection of appropriate management responses, and indicate other required actions. Prescription criteria may include, but are not limited to, minimizing smoke impacts, and safety, economic,

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public health, environmental, geographic, administrative, social, or legal considerations such as complying with Health and Safety Code section 41700, public nuisance statute.

(dd) “Smoke Management Program” means the program defined in these Guidelines.

(ee) “Smoke sensitive areas” are populated areas and other areas where a district determines that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, towns and villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.

(ff) “State ambient air quality standards” means specified concentrations and durations of air pollutants which reflect the relationship between the intensity and composition of air pollution to undesirable effects, as established by the state board pursuant to Health and Safety Code section 39606.

(gg) “Wildfire” means an unwanted wildland fire.

(hh) “Wildland” means an area where development is generally limited to roads, railroads, power lines, and widely scattered structures. Such land is not cultivated (i.e., the soil is disturbed less frequently than once in 10 years), is not fallow, and is not in the United States Department of Agriculture (USDA) Conservation Reserve Program. The land may be neglected altogether or managed for such purposes as wood or forage production, wildlife, recreation, wetlands, or protective plant cover.

For CDF only, “Wildland” as specified in California Public Resources Code (PRC) section 4464(a) means any land that is classified as a state responsibility area pursuant to article 3 (commencing with section 4125) of chapter 1, part 2 of division 4 and includes any such land having a plant cover consisting principally of grasses, forbs, or shrubs that are valuable for forage. “Wildland” also means any lands that are contiguous to lands classified as a state responsibility area if wildland fuel accumulation is such that a wildland fire occurring on these lands would pose a threat to the adjacent state responsibility area.

(ii) “Wildland fire” means any non-structural fire, other than prescribed fire, that occurs in the wildland.

For CDF only, “wildland fire” as specified in PRC section 4464(c) means any uncontrolled fire burning on wildland.

(jj) “Wildland/urban interface” means the line, area, or zone where structures and other human development meet or intermingle with the wildland.

NOTE: Authority cited: Sections 39600, 39601, 41856 and 41859, Health and Safety Code. Reference: Sections 39011, 39025, 39053, 41853, 41854, 41855, 41856, 41857, 41858, 41859, 41861, 41862 and 41863, Health and Safety Code.

REFERENCE